

HAS FILED ANSWER

Cross Claim Filed in Black Estate Case.

INTRICATE LAW POINTS

In the Opinion of Lawyers Are Involved.

Mr. Charles V. Ferguson and Mr. K. H. Harris filed an answer and counter claim yesterday in behalf of M. C. Nevins in the case of Henry Schach, as guardian of Kirk and John Johnson and Mrs. March against the plaintiff involving the right to one-fourth interest in the Robert Black mansion on East Douglas avenue. Mr. Nevins, through his attorneys, asks for the sale of the property and the division of the proceeds among Kirk and John Johnson and Mrs. March and himself, as heir at law to the property of Mrs. Grace Nevins, his late wife, who was one of the beneficiaries of the will of the late Robert Black.

The case is one of great interest in its present condition and lawyers agree that it involves the most intricate law points of any case ever tried in the state. Mr. Ferguson and Mr. Harris have spent several days examining authorities and the laws of both this country and England, as well as the common law, in the preparation of their answer. There is only one similar case in recent law annals, and that is what is known as the Granger case, which went to the United States supreme court from Indiana. The brief and options in this case were sent for and they were received by Mr. Ferguson day before yesterday. He considers them very valuable in the case now pending in this court.

The will of Robert Black specified that Kirk and John Johnson, Mrs. March and Mrs. Nevins, then the Misses Johnson, all grandchildren of the testator, should inherit his mansion and grounds, and that if any of them died without issue, his or her share should then revert to the testator. Mrs. Grace Nevins, now Johnson, has since died and the other heirs, under the will, contend that her fourth interest reverts to them. The attorneys for Mr. Nevins contend that Kansas never has recognized the old English law of fee tail and that it is against the public policy of this country. In England the law of fee tail in existence because the landed proprietors there desire to have estates kept perpetually in the family, but the law has never been popular in this country. In Kansas, especially, the fee simple system is always recognized as the just one, and the attorneys for Mr. Nevins claim that it must be so held. They also claim that the late Mr. Black had no authority in law to invade such a provision in his will, and hence that it is void so far as it relates to that particular point. They also claim that it is at variance with the common law.

The case will be vigorously fought by both sides and it is expected that it will be decided in a few days.

A. R. Rose of Morgantown, Ind., had been taken up on a bicycle in the night and had severe backache and pains in the kidneys. Was cured by FOLEY'S KIDNEY CURE. It's guaranteed. C. Gehring, 40 E. Douglas; Geo. Van Warden, 23 N. Main; Wichita Drug Co., 110 E. Douglas.

LABOR UNION'S PICNIC

Committees Promise a Big Time on Labor Day.

The labor organizations of this city are going to make a great showing in their parade next Monday afternoon. The uniforms for the companies of brick and stone masons, carpenters, leather workers, painters and plasterers have arrived and are being distributed. All the labor organizations in the city will parade on that day starting from the Auditorium promptly at 10 a. m. Sanitary bands will lead, followed by the speakers in carriages and then will come the different organizations. The parade will go to North Riverside park where the speaking and races will take place. Some fine races will be on the program besides other attractions. Col. Ambros and John Davis will speak and Prof. Longoria will give his famous Oriental Russian and his funny French and Dutch show. There are several other attractions to be given. For the races the committee has prepared a number of extra fine prizes to be competed for and several of the best amateur bicyclists in this part of the country have signified their intention of entering them so a good series of races will be on hand.

TO HEAL A HURT

The BANNER SALVE, the great healer. It's guaranteed to heal cuts, burns, scalds and all skin diseases. Use no ointment. C. Gehring, 40 E. Douglas; Geo. Van Warden, 23 N. Main; Wichita Drug Co., 110 E. Douglas.

SHOT IN THE HEEL

Edward Phillips Was Out Shooting Birds.

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Dr. Shelly of that city probed the ball but was unable to find it and last night he was brought to this city and taken to Dr. Seng's office and the ball located by the X-ray. The bullet was removed by the doctors and the lad will be taken to his home this morning.

WOULD HAVE COST HIM HIS LIFE.

Quaker Bowman, Lebanon, Ky., writes: "I have been using FOLEY'S KIDNEY CURE and take great pleasure in stating it gave me permanent cure of kidney disease which certainly would have cost me my life." Take none but FOLEY'S. C. Gehring, 40 E. Douglas; Geo. Van Warden, 23 N. Main; Wichita Drug Co., 110 E. Douglas.

TO BUILD A CHURCH

Universalists Endeavoring to Get Foothold in Wichita.

The Universalists are striving hard to obtain a foothold in Wichita. There are several members of this denomination in this city who are working very enthusiastically to start a church here and no pains or efforts will be spared until they have succeeded in accomplishing their desire. Reverend Doctor E. L. Reppert has been secured to give a series of lectures during October, the proceeds of which are to go into a fund that will be used to erect a Universalist church building. The subjects of Doctor Reppert's lectures are as follows: "A Rationalistic Church and the Sacraments," "A Modern Exile, or the Gospel of a 20th Century Restraint of Jesus," "What Changed Judgments if the Church had Placed Life Above Religion."

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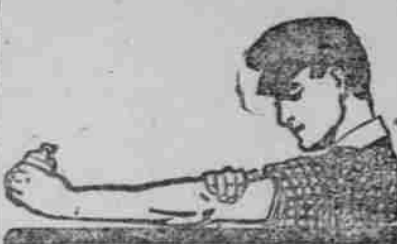
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Yesterday afternoon shortly after four o'clock a report from a revolver was heard and the clerk rushed to the room where the man Clevé was, and found him lying on the edge of the bed holding his leg, and telling him that he was shot.

It seems that the man had a 4-caliber Colt's under his pillow and when the room was cleaned up the maid put the weapon on the springs under the mattress and when Clevé sat down upon the bed the gun dropped to the floor, was discharged and Mr. Clevé was shot in the leg. A doctor was hastily summoned and said that he thought it only a flesh wound and of no serious consequence.

The party left the house and have not been seen or heard of since.



POND'S EXTRACT
Soothes Tired Muscles; Removes Soreness and Stiffness.
Don't take the weak, watery, witch hazel preparations, represented to be "the same as" POND'S EXTRACT, which is a sure and generally cost-effective "wood alcohol," a deadly poison.

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ROBBED HOTEL SAFE

Charles Bland Gets \$75 From the Orient.

WORK CONFIDENCE GAME

Stolen Valise Is Found in His Room.

Charles Bland, who is alleged to have robbed the safe of the Orient hotel at the corner of Douglas avenue and Water street. The man has been working for G. A. Murphy, the proprietor, since the Fourth of July, and up to the first of this week seemed an honest fellow. He came to the hotel at that time and said that a doctor who had been treating his eyes, said that he must not go out in the sunlight very much. He stayed around the hotel and worked at odd jobs for the owner. He was treated as a friend and had free access to everything in the building. He claimed to be a relative of Ed Bland, but Mr. Bland said yesterday that he had hired the man several times to work for him, and this was all he knew about him. Tuesday evening a man going through this city met his valise down on a chair in front of Mrs. Ryerson's restaurant, just across the street from the Orient, and went inside. He was gone some time, and Charles Bland and another man were in the restaurant when they came out asked the cook at the restaurant who the valise belonged to. He did not know and then went back into the restaurant. He had noticed the valise some time before, and when he went out into the street a few moments after the man left, the valise was missing. Some time after this owner came around and asked where his property was. No one knew, and the matter was reported to the police. Officer Crawford was called on the case. As Charles Bland was the last man known to have seen the valise, he was questioned, but denied all knowledge of the thing. He began to get very nervous under the officer's questioning, and Mr. Crawford told him to get that valise and he ready for him by midnight Thursday. That night Bland was at work in the hotel about 11 o'clock, and asked some men who were in the room to stay around while he had some work outside he must attend to. That is the last seen of Mr. Bland, and he took with him \$75 that was in the hotel safe, the property of Mr. Murphy. The owner of the hotel had so much confidence in the man that he allowed the safe to remain open when the man was around and Mr. Murphy was away.

This was reported to the officer when he came around after the valise, and he went to the man's room in the hotel, and under the bed found the valise. It had been thoroughly searched, but nothing was taken, as there was not a thing in it except some clothes. The officers made a search of the room and found a small bicycle wrench that belonged to Mr. Murphy's son, and also a small onyx-handled penknife hidden in the room.

Many living, temperance, exposure and many other things bring on Bright's disease. FOLEY'S KIDNEY CURE will prevent Bright's disease and all other kidney or bladder disorders if taken in time. Be sure to take FOLEY'S. C. Gehring, 40 E. Douglas; Geo. Van Warden, 23 N. Main; Wichita Drug Co., 110 E. Douglas.

KNOCKED DOWN STAIRS

Mrs. Roby Cinnus Her Husband Mistreated Her.

Office Roby yesterday filed papers in the district clerk's office asking to be legally separated from William H. Roby. The couple were married at Cairo, Ill., September 22, 1899. The plaintiff alleges in her petition that W. H. Roby has treated her in a cruel, inhuman manner, by beating her and on one occasion, he hit her and knocked her down stairs, breaking two of her ribs, and for this reason has ruined her health. She further states that the defendant has failed and refused to furnish her the necessities of life; that she has been compelled to work out and make her own living since her marriage, and for these reasons the plaintiff believes she is entitled to divorce.

MARRIED FIFTY YEARS.

Mr. and Mrs. Prindly Celebrate Their Golden Wedding.

Mr. and Mrs. J. B. Prindly, formerly of this city but now living in Ft. Smith, Ark., on August 26th, celebrated the 50th anniversary of their marriage. The old people have three children, Mrs. S. W. Bailey, Mrs. J. C. Williams and Geo. Prindly, all former residents of Wichita, but who left here with their families about six years ago, the first two to settle in Ft. Smith near their parents and the latter in Texas.

Mr. and Mrs. Prindly have twelve living grand children and two great grand children, all of whom were present. A six o'clock dinner was served on the grounds and dainty appropriate souvenirs of the occasion were furnished each one. Mr. and Mrs. Prindly were the recipients of many congratulations as well as many appropriate gifts in silver china. The "Wichita Colony," a collection of former residents of Wichita, who were present were Messrs. and Mesdames S. W. Bailey, J. C. Williams, J. S. Russell, G. F. Bailey, J. B. Williams, Thos. Bailey, R. A. Hambrick, G. L. Seng, Jacob Seng, Robt. Smith, Mrs. Seng, Russell, Misses Ella Bailey, Lida Williams, Pearl Bailey, Ella Whitworth, Bessie Smith, Messrs. Ed Bailey, Leon Williams, Earl Bailey, Ray Williams, Ralph Stough.

Mrs. J. B. Williams and son and Mrs. Susan Russell whose home are in Wichita went to attend the anniversary and Lida Williams has spent the summer here visiting her sisters, Mrs. Ray House and Mrs. Ed Seng. Interrupted her vacation to go in time for the event.

OLDEST ELM TREE

In County Is in the New Park at Fifteenth Street.

Councilman Charles Davidson says that while a good many people think there is nothing more in the park election than the rebuilding of the park election there, he would like to remind them that the city was going to secure a nice park in the northeast section of the city. He said there was ten acres of the ground and by getting four acres more which Mr. Campbell had agreed to sell at a very reasonable price it would make a splendid park.

It is said to be one of the finest groves in this section and the oldest elm tree in Southern Kansas stands in the park. In the summer of 1870 when Phil Sheridan came up from the territory to arrest William Griffenstien he and his company of

cavalry camped on the ground and cooked their dinner under this big elm tree. Griffenstien had a band of Indians camped over in the Little River in what is now North Riverside and the Indians said they would fight for the white chief and Sheridan compromised with Uncle Billy by his agreeing to report at Leavenworth instead of being taken back to the territory.

There are a number of people in the city who can tell some historical events of the early days in connection with this big elm tree. Councilman Davidson says that when the park is fitted up the thinks it will be to the interest of the street car company to extend the Topeka avenue line to it.

Some of the people in the south part of the city called on Councilman Davidson yesterday and told him that they wanted the new park in the south part of the city called Lincoln park. Mr. Davidson is chairman of the park committee of the council and the name suited him. He will report in favor of Lincoln Park.

FINE FARM SOLD

Forty Acres West of Town Brings \$1,200.

Mr. Anthony yesterday sold to Charles Darrigand, the foreman at the Doid packing house, his forty-acre farm three miles west and one-half mile south of the city. The consideration was \$1,200. This is one of the finest pieces of land in the county. It is almost all sand, but there never is a year that there is not a good crop on the land. Even this year there is a good average crop.

COMING LOCAL EVENTS.

John Diehl of Waco, was in the city yesterday.

Ed Christopher was at Andover yesterday on business.

G. W. Hurd of Abilene, was at the Carey yesterday.

J. H. Butler and wife were visiting in the city yesterday.

Mrs. W. C. Millard of Medicine Lodge, was in the city yesterday.

Henry Speer of Garden Plain, was in the city yesterday on business.

J. P. Ward of Fort Worth, was registered in the city yesterday.

J. Wesley Cookson, the Kingman druggist, was a Wichita visitor yesterday.

Senator James Tapp and wife are expected home tomorrow morning from Colorado Springs.

Graham Campbell leaves this morning via the Santa Fe for Buffalo by way of Chicago and the lakes.

Captain Burgess left this morning on the early train for a few days visit and business in Sumner county.

Mrs. L. S. Carter is expecting her daughter-in-law, Mrs. Anna M. Carter, in the city from Denver, Colo.

Mr. John McComb will arrive home this morning from a summer vacation in Wisconsin, the children with him.

Ex-Speaker of the Legislature E. D. McKee was at the Carey yesterday, having come down on law business.

Dr. Huffman, who has been sick during the past few days, was able to attend to his professional duties again yesterday.

Charles Russell, who has been visiting his grandfather for the past three weeks at La Harpe, Kansas, returned yesterday.

Dr. Hoffman reported last night that Mrs. Ella Glenn Shidels is beyond the critical point and is now getting along nicely.

Maude Boyce, who has been visiting her parents, Mr. and Mrs. Benjamin Boyce, leaves tomorrow for his home in St. Louis.

A deed was filed yesterday showing that George W. Smith bought lots 12, 13, part of 14 on Cleveland avenue of J. P. Stanley for \$1,200.

Mrs. Robert Jacks and daughter, Florine, left yesterday for their old home at Philadelphia, Pa., on a visit to Mr. Jack's parents and relatives.

Marriage license was granted to J. P. Vander and Katie Helmerman of Wichita, and John Wilson and Ada Belle McMillen of Goodland.

John Chapp was welcomed back to his office by the court house assembly yesterday afternoon, after having been at Colorado Springs for the past ten days.

Rev. A. D. Phelps is spending his vacation in Chase county. There will be no preaching at Emporia Avenue Baptist church next Sunday. Sunday school as usual.

A warrant was issued from the city yesterday against Harry Jones, charging him with beating and assaulting George M. Jordan yesterday on East Muldock avenue.

Everett Anderson, who has been in the employ of Greenfield Bros., leaves tonight for Kansas City, where he has accepted a position with Rothchild & Sons. R. W. Wagstaff of Fort Scott, succeeds Mr. Anderson.

Mr. C. W. Daugherty, baggage man at the Rock Island depot, leaves today for a visit to Kansas City and other eastern points. During his absence his position will be filled by Carl Gettes of the freight department.

Captain Cornany and family are in the for a few days, visiting friends. They are on their way from St. Louis, where they have been visiting to their home at Fort Scott. Captain Cornany is state agent for the Manchester Insurance company.

Word was received yesterday that Ed Toier won the 2-4 trotting race at Tulsa, Mo., with the bay gelding "Chamite." In the second, fourth and fifth heats. The best time made was 2:10. "Chamite" is a six-year old son of Marion McHenry, and this is his first stand-out record.

MUSIC AND DRAMA.

AN ANNUAL VISITOR.

Patience Shows, with her multitude of trained animals, will soon be here. All the dogs, ponies, elephants and monkeys, that have long held this city a yearly visit. Will continue with their annual custom. A multitude of new arrivals have augmented the pay, or rather feed roll, of the Gentry Bros. Shows this season. Ruby animals from far-off lands, and pretty dogs from every clime, have succeeded in learning some new, laughable and amusing performance, which they will display for the appreciation of their children patrons. The old and new members of the company participate in friendly rivalry for the applause of their youthful visitors. The shows will exhibit in all their entirety, two performances, afternoon and night, North Emporia avenue and Fourteenth street, Thursday, Sept. 5. One-day only.

Novel Show Case.

C. R. Patton closed a contract yesterday for a fine glass show case, to be built around the large granite column in front of his clothing store. It will be used to show the new things in the furnishings, etc., and will be put in as soon as it can be made.

JELLO, THE NEW DESSERT.

please all the family. Try Jell-O. At your grocer. No. Try it today.

WORKED IN NIGHT

Telephone Men Put Up Poles Without Permit.

SPECIAL COUNCIL MEETING

Called to Settle Differences Between City and Company.

Mayor McLean called a special meeting of the council yesterday afternoon at 2 o'clock for the purpose of locating the telephone poles of the Oklahoma and Kansas Telephone company, and for the purpose of amending the ordinance extending the fire limits of the city.

The telephone company set some poles on Tremont street as far north as Kellogg. The city engineer had not given a permit to the company for the poles and Thursday evening the city engineer and city electrician went to the foreman of the work asking them to quit putting poles in the city. It is alleged that the company's workmen strung wires after midnight yesterday. The company has a franchise dated in March, 1902, but in that ordinance it states that the poles and wires should be placed under the direction of the city engineer and city electrician. The city engineer had given the company the right to build their line on a street running east from Lawrence avenue.

The people on Tremont avenue do not want the poles on that street. The city engineer forbade the company putting the poles or wires on the street Thursday evening and Friday morning when he went down there he found one pole put up and a large amount of wires strung. The pole was erected between Tremont and Santa Fe avenues.

The franchise states that the company should place their poles under the direction of the city engineer and in the event of a disagreement between the engineer and company the mayor and council should make their final decision. The company and engineer disagreed and the council tried to make their decision. On the motion of Councilman Davidson, which was to refer the matter to the Councilmen from the First and Sixth wards in connection with the engineer. The city engineer reported that the company could put their poles on Meade avenue from Kellogg to Orme street.

Councilman Carwell offered an amendment to the original motion, ordering the city engineer to locate the poles on the alley between Tremont and Santa Fe from and Lincoln.

Mr. Burton moved a resolution appointing the councilmen from the First and Sixth Ward and city engineer to locate the route of the telephone company and prepare an ordinance locating the poles and report at the meeting Monday evening. The motion of Mr. Davidson was withdrawn.

Mr. Carwell moved that an ordinance be prepared amending the fire limit ordinance to make the limits extend north from First and Second street and to the river. The Missouri Pacific railroad wants to move the Twelfth street depot down to where the Second street depot was, and the motion was made to keep the company from this.

After the meeting Chas. Lulling swore out a warrant against the superintendent charging him with doing electrical construction work without a permit from the city electrician.

Mr. William F. Sikes was arrested last night.

Wm. Finn of Lima, O., obtained excellent results from the use of FOLEY'S KIDNEY CURE. "It relieved my backache and severe pain over the hips. It toned my system and gave me new vim and energy. It is an honest and reliable remedy, a sure cure for all kidney diseases." C. Gehring, 40 E. Douglas; Geo. Van Warden, 23 N. Main; Wichita Drug Co., 110 E. Douglas.

BRITISH ARMY HORSES

Fourteen Cars Passed Through Wichita Yesterday.

Fourteen cars of horses passed through Wichita on the Rock Island yesterday afternoon. Another train will be sent through today. The horses were shipped from the Panhandle of Texas and are for the use of the cavalry department of the British army stationed at British Columbia. They are going to Missouri to be fed through the winter and next spring will be sent to Canada. They are all small range ponies and most of the time are branded. The British government has had agents in Texas for some time, picking up these horses and this is the first shipment.

MADE BRAVE ATTEMPT.

Horsethief Tried to Get Away From Newton Officers.

George Hollingsworth, the man who stole a horse from the Mammoth livery barn on South Main street a few days ago and was captured at Newton that evening made a good attempt to get away from the officers. It seems that Hollingsworth is not the man's name. He is known at Newton as Charles Boyd. The young man came to the stable about 11 o'clock and asked for a horse. He said he wanted to go out to his parents one mile east of Maize. He informed the stable man that he worked for Clark King. He had a good story to tell and the men believed him. Instead of going to Maize he rode to Newton. The following is the account of his capture taken from the Newton Evening Kansas-Republic: There was a strenuous time on the south side last evening just before dark. For nearly an hour the residents in the east half of that district were kept in a fever of excitement by the efforts of a horsethief to escape the officers of the law and a crowd of men who were endeavoring to apprehend him. There was a scurrying of horses and a running of men and bicycles and a scrambling of horses and men. The crowd was given a good show when the man was captured and taken to the station house.

Last evening about supper time a young man drove up to J. C. Haff's second hand store on the south side and demanding from him horse which was covered with leather and looked as if it had been driven hard and furious for many miles, approached Mr. Haff and offered to sell him the saddle on the horse. Mr. Haff suspected the lad of some trick and gave a wary wink which was plainly enough. The young man claimed to live at 21 East Seventh street and said that he was anxious to sell the saddle because he had bought a new and better one. Mr. Haff had no very great desire to buy the saddle but finally agreed to pay a dollar and a half for it. The young man took the</